
UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

16 JUL '15 AM10:37

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

Viktor Lisnyak

CASE NUMBER: 15-D4179MS-PCT-DMF

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

COUNT 1

On or about April 15, 2015, in the District of Arizona, the defendant, VIKTOR LISNYAK, did knowingly and willfully transmit in interstate and foreign commerce, from Staten Island, State of New York, to the State of Arizona, a telephonic communication to Marshall Elementary School in Flagstaff, Arizona, which telephonic communication contained a threat to kill children, that is, "I want to hurt hundreds of children. I'm in the building. I have a gun." in violation of Title 18, United States Code, Section 875(c).

COUNT 2

On or about April 16, 2015, in the District of Arizona, the defendant, VIKTOR LISNYAK, did knowingly and willfully transmit in interstate and foreign commerce, from Staten Island, State of New York, to the State of Arizona, a telephonic communication to Knoles Elementary School in Flagstaff, Arizona, which telephonic communication contained a threat to kill children, that is, "I want to come into your school and kill children." in violation of Title 18, United States Code, Section 875(c).

COUNT 3

On or about April 20, 2015, in the District of Arizona, the defendant, VIKTOR LISNYAK, did knowingly and willfully transmit in interstate and foreign commerce, from Staten Island, State of New York, to the State of Arizona, a telephonic communication to Mount Elden Middle School in Flagstaff, Arizona, which telephonic communication contained a threat to kill children, that is, "I can see children! I'm going to kill children. I am in the school and I want to kill myself." in violation of Title 18, United States Code, Section 875(c).

COUNT 4

On or about April 20, 2015, in the District of Arizona, the defendant, VIKTOR LISNYAK, did knowingly and willfully did transmit in interstate and foreign commerce,

from Staten Island, State of New York, to the State of Arizona, a telephonic communication to Flagstaff Cooperative Preschool within Marshall Elementary School in Flagstaff, Arizona, which telephonic communication contained a threat to kill children, that is, "Hello, can you hear me? I want to kill hundreds of children. I want to kill hundreds of children. I am in the school and I want to kill myself." in violation of Title 18, United States Code, Section 875(c).

COUNT 5

On or about May 7, 2015, in the District of Arizona, the defendant, VIKTOR LISNYAK, did knowingly and willfully transmit in interstate and foreign commerce, from Staten Island, State of New York, to the State of Arizona, a telephonic communication to Mount Elden Middle School in Flagstaff, Arizona, which telephonic communication contained a threat to kill children, that is, "I'm going to kill myself, I'm going to kill your children, and I'm on the roof of your school." and that they were inside the school, armed with an automatic weapon and three handguns and that an "attack was imminent." in violation of Title 18, United States Code, Section 875(c).

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this Complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT INCORPORATED BY REFERENCE HEREIN.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

REVIEWED BY: AUSA Camille D. Bibles *CDB*

Special Agent David R. Schultz, FBI
Complainant's Name and Title

7/16/15 at 9:31 a.m.
Date/Time

Deborah M. Fine, U.S. Magistrate Judge
Name & Title of Judicial Office

[Signature] 7/16/15
Complainant's Signature Date

Flagstaff, Arizona
City and State

[Signature]
Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, David R. Schultz, being duly sworn, deposes and states as follows:

1. I have been employed as a Special Agent (SA) of the Federal Bureau of Investigation (FBI) for three (3) years. As a SA of the FBI, I am an investigative or law enforcement officer within the meaning of Section 2510(7) of Title 18 United States Code, that is, I am an officer of the United States who is authorized by law to conduct investigations of, and make arrests for, offenses enumerated in Title 18. I am currently assigned to the FBI Phoenix Field Office, Flagstaff Resident Agency (FRA).

2. On Monday, March 23, 2015, at approximately 14:40 hours, a call was received by an administrative assistant at the Flagstaff Police Department (hereinafter "FPD"). The male voiced caller advised he was inside Thomas elementary school, located at 3330 E. Lockett Road, Flagstaff. The caller said he was suicidal, and was going to kill children. That call was internally transferred from the administrative assistant into the 911 call center. Once on the line with the call taker (dispatcher), the suspect caller again advised that he was inside the school, was suicidal, and planned to kill children. The caller sounded robotic, similar to that of a computerized voice over. An emergency police response was dispatched to the Thomas Elementary School. There, the responding officers cleared the building looking for unauthorized persons while the students and faculty remained in lock down. No unauthorized persons or devices were located. The source (number) of this call is unknown.

3. On Wednesday, April 15, 2015, at approximately 12:58 hours a call was received by office staff at Marshall Elementary School, located at 850 N. Bonito Street, Flagstaff AZ. This caller was reported to have had a robotic style male voice, similar to that of a computerized voiceover. The caller taker did not initially understand the caller. She put the call on speaker phone and called for the school principle. With the call on speaker phone, office staff heard the caller state that "I want to hurt hundreds of children. I'm in the building. I have a gun." The call was disconnected and school staff called police and initiated a lock down of the school. The call was received by the school from an unknown number. An emergency response was dispatched to Marshall Elementary School. There, the responding officers cleared the building looking for unauthorized persons while the students and faculty remained in lock down. No unauthorized persons or devices were located.

4. On Thursday, April 16, 2015, at approximately 13:26 hours, a call was received by front office staff at Knoles Elementary School, located in Flagstaff Arizona. When a staff member answered the call she reported that she did not hear anything, so she terminated the call. At 13:27 hours, a second call was received. This caller was reported to have also sounded computer generated (with a male voice), and stated "I want to come into your school and kill children." The caller repeated that threat three times before the staff member terminated the call and called 911. Both of the calls were from "blocked" numbers into the school's caller ID system. An emergency response was dispatched. There, the responding officers cleared the building looking for unauthorized

persons while the students and faculty remained in lock down. No unauthorized persons or devices were located

5. On Monday, April, 20, 2015, at approximately 13:58:54 hours, a call was received by the front office staff at the Mount Elden Middle School, located at 3223 N. 4th Street, Flagstaff, AZ . The staff member who answered this call did not hear anyone on the other end, so the call was terminated. A second call was received at 13:59:26. The unknown caller called the main school line and told the school receptionist the following in a female computerized voiceover; “I can see children. I’m going to kill children!” The school receptionist stated that there was a brief pause and the call ended. She immediately dialed *57, which is intended to identify the number of the last caller. They were unable to obtain any further information after she dialed *57. This incident was the first time a female computerized voice was used to make the threats.

6. On Monday, April 20, 2015, at approximately 1400 hours a telephonic threat was made to the Flagstaff Cooperative Preschool, located inside Marshall Elementary School, located at 850 N. Bonito School, Flagstaff, AZ 86001. The threat was called into the direct phone number for the Flagstaff Cooperative Preschool. The threat was in a female computerized voiceover stating the following; “Hello can you hear me? I want to kill hundreds of children; I want to kill hundreds of children. I am in the school and I want to kill myself.” The call was ended and *57 was dialed. A message advised the call was unable to be traced.

7. On Thursday, May 7, 2015, at approximately 13:46 hours, a telephonic threat was made to the Mount Elden Middle School. A total of three consecutive calls

were called into the main telephone number for the school. The voice on the first call was faint and the receptionist advised she could hardly hear the caller. The receptionist hung up, terminating the call. Approximately 30 seconds later, the second call was received. Again, the voice of the caller was very faint. The caller was heard saying something to the effect of, can you hear me now, I'm going to kill myself, I'm going to kill your children, and I'm on the roof of your school. This repeated itself 3 times and the call was disconnected. Approximately 30 seconds after that, the third call was received. FPD Officer Bataglia, who was at the school for an unrelated investigation was notified of the calls and was handed the phone. Officer Bataglia heard what he also described as a female robotic voice. The caller told him they were inside the school armed with an automatic weapon and three handguns. The caller stated they were going to kill children and that the "attack is imminent."

8. During the subsequent investigation it was learned that the Flagstaff Cooperative Preschool had received two calls from an unknown number. The two times are below: Date: April 20, 2015: First call: 14:02 hours, no voice heard; Second call: 14:03 hours, threat was made.

9. The originating number for the call made to Flagstaff Cooperative Preschool, housed at the Marshall Elementary school on April 20, 2015, was captured by school staff who answered that call. FPD Detective Sergeant Beckman and Detective Barreras conducted investigation which revealed that these calls were made electronically from an e-mail voice account.


10. Investigation by your affiant, FPD Detectives A. Barreras and C. Rucker revealed that the calls to Marshall Elementary School and Mount Elden Middle School originated from an email address of nextpublicenemy@gmail.com and that the call to Knoles Elementary School originated from an e-mail address of publicenemy177@gmail.com which was created to the name "Joe Smith." Through extensive investigation, these e-mail addresses were connected to an IP address assigned to a residential address in Staten Island, New York.

11. On July 15, 2015, FBI SA Eric Stoddard, FPD Detective A. Barreras and FPD Detective C. Rucker interviewed Viktor LISYNAK, a 29 year old man, in his home in Staten Island, New York. Viktor LISYNAK described that he is a "gamer," referring to internet video games played with others on-line via his X-Box. Viktor LISYNAK admitted making threatening phone calls to schools in the United States, including calls made to Flagstaff, Arizona. He did so by making up a fictitious name and using the fictitious names to create e-mail accounts. Viktor LISYNAK said that "Joe Smith" was one of the fictitious names that he used in creating e-mail addresses. He admitted that "publicenemy177" was one of many accounts that he used. Viktor LISYNAK said that he made so many threatening calls that he doesn't remember all of the specific calls. Viktor LISYNAK advised that he used multiple e-mail addresses which had at least eleven different variations of the phrase "publicenemy." For example, "publicenemy177" referred to January, 1977, which was a date significant to him. Viktor LISYNAK explained that all of these calls were in response to on-line video gaming. He would gain "points" for making these calls and at times had to make these calls if he "lost" a game.

12. Based on these facts, I believe that there is probable cause to believe that evidence of violations of federal law, specifically, 18 U.S.C. Section 875(c). An arrest warrant is requested.

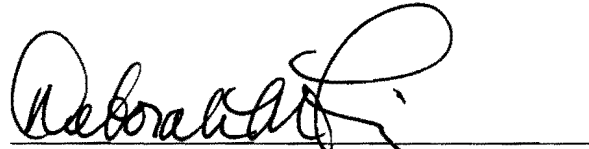
I declare under the penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

7/16, 2015
Date


Special Agent David R. Schultz
Federal Bureau of Investigation

Sworn and subscribed to before me on the 16th day of July, 2015.

Based on the foregoing, I find that probable cause exists that the suspect committed the offenses alleged in the Affidavit.


DEBORAH M. FINE
United States Magistrate Judge